

JEFFERSON COUNTY COMMISSIONERS  
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KEN WEBER, CHAIR

CHUCK NOTBOHM

TOM LYTHGOE

**PROCEEDING OF THE BOARD OF COMMISSIONERS  
COUNTY OF JEFFERSON, STATE OF MONTANA  
October 7, 2008**

**Present:** Commissioners Lythgoe and Weber; Harold Stepper and Mike Hoffman, County Planners; Jan Anderson, *Boulder Monitor/Jefferson County Courier*; Dave Kirsch, Coleen Teeling, Bob Marks, Dan Felska, Dennis Lay

**Absent:** Commissioner Notbohm

**MINUTES**

Commissioner Weber moved to adopt the minutes of September 9. Commissioner Lythgoe seconded. The motion carried.

Commissioner Weber moved to adopt the minutes of September 16. Commissioner Lythgoe seconded. The motion carried.

**REPORTS**

Receipt of September cash report from the Treasurer's Office.

Receipt of September Clerk and Recorder fees reports from the Clerk and Recorder's Office.

**CALENDAR REVIEW**

10/08 RID/RMD meeting - Big Sky - 7:00

10/09 CTAC - 8:00

Tri-Co Fire - 9:30

Elkhorn Working Group - 3:00

Library Board - 6:30

10/13 - Holiday - Offices closed

**COMMISSION REPORTS**

October 7, 2008 minutes.wpd

#### ASH GROVE CITIZEN'S ADVISORY GROUP

Commissioner Lythgoe reported on the Ash Grove Citizen's Advisory Group meeting held on Wednesday. They had an extensive tour of the plant and of all of their holdings. It was very interesting.

#### MONTANA ASSOCIATION OF NURSES

Commissioner Lythgoe reported that 7:30 Thursday morning he greeted the Montana Association of Nurses at their state convention which was held in Helena. The Association headquarters is in northern Jefferson County, so they asked him to speak.

#### LOWER WHITETAIL CREEK ROAD

Commissioner Weber reported that he met with Joe Carter and Leland Johns on the Lower Whitetail Creek Road. Between the County, the Forest Service and the Johns, they are attempting to move a road from the middle of the Johns' property to the edge of their property. The Forest Service has been resistant to that, if the road were to come onto Forest Service land; if the road were to remain on the Johns' property entirely, they are willing to move forward. On review, it appears that the road would be better if it went onto Forest Service land. Joe and Leland will be contacting the Forest Service about this.

#### CUSTODIAN INTERVIEWS

Commissioner Weber reported that custodian interviews were conducted on Thursday. Five applicants were interviewed, and background checks are being conducted.

#### CLANCY LIBRARY SUBCOMMITTEE

Commissioner Weber reported that the Clancy library subcommittee meeting scheduled for Thursday night was essentially cancelled due to the vice-presidential debate.

#### MSTI PROJECT

Commissioner Weber reported that the previous night in Cardwell he attended a meeting of landowners and representatives of DEQ, NorthWestern Energy and BLM regarding the 500 kv line. There were probably 100 people in attendance, and he didn't hear much support of the power line going through that area. They are receiving quite a few comments; they made it clear that during this process they want to receive comments.

#### SUBDIVISION REVIEW

##### REQUEST FOR TIME EXTENSION – JACK CREEK MAJOR SUBDIVISION

Mike Hoffman, County Planner, presented his staff report and informed the Commission that a

quiet title action has been filed in District Court in regards to this proposal. This has no impact on the extension request, but it could have an impact on final plat approval. The parcel contains 260.10 acres, which is proposed to be divided into 37 tracts ranging in size from 2.01 to 15.93 acres. Mike recommended that a one-year extension be granted. Commissioner Lythgoe stated that if he remembers correctly, there are only a few lots in the two-acre range, and the majority of the lots are in the 10-acre range. Mike stated that the overall density is 7.02 acres.

Commissioner Lythgoe moved to grant a one-year extension to the Jack Creek Major subdivision. Commissioner Weber seconded. The motion carried.

#### **FINAL PLAT APPROVAL – GOLDEN HILLS MINOR SUBDIVISION**

Mike Hoffman presented his staff report on this one-lot split west of Jefferson City. The parcel contains 7 acres, proposed to be split into two lots 3.39 and 3.61 acres in size. The developer has opted for a cash-in-lieu of water supply. Mike recommended that final plat approval be granted.

Commissioner Lythgoe moved to grant final plat approval to the Golden Hills Minor subdivision. Commissioner Weber seconded. The motion carried.

#### **DETERMINATION OF AMENDMENTS TO PRELIMINARY PLAT FOR SHEEP MOUNTAIN 1, 2, 3 AND 4**

Harold Stepper, County Planner, stated that what has occurred on this is that they have received a submittal of an exemption to the survey committee. Harold presented the certificate of survey that was originally submitted. What the developer is proposing is basically a boundary adjustment with another mining claim that will include additional land into the subdivision. He told the developer that if they did that, it would have to go all the way back to the Planning Board. He presented two drawings, the original of what was presented at preliminary plat approval time, and an updated drawing. Variances for the roads granted in previous meetings have made some adjustments to some of the lot lines and sizes. Commissioner Weber stated that it appears that this was necessary so that the road hits each lot.

Harold stated that this is more for information than anything. This is usually handled by the survey committee, and it is not uncommon.

Commissioner Weber stated that the Commission has received correspondence regarding the Sheep Mountain subdivisions from David Leitheiser; he has requested that the letter be read into the minutes. Commissioner Weber read the letter (on file in the Clerk and Recorder's office).

#### **ITEMS FOR COMMISSIONERS ACTION OR REVIEW**

##### **OPEN AND AWARD BIDS FOR REMODEL IN THE ANNEX**

Commissioner Weber stated that two bids for the remodel of the annex have been received as follows:

Whiting Construction \$17,706

Diamond Construction \$19,775

Commissioner Lythgoe recommended that the bids be turned over to the Facilities Manager to check for completeness. If the bids are complete, he would move that the bid be awarded to Whiting Construction. Commissioner Weber seconded. The motion carried.

#### DISCUSS AND DECIDE ON MOVING NOVEMBER 4 AND NOVEMBER 11

##### COMMISSION MEETING DAYS DUE TO HOLIDAYS

Commissioner Weber stated that November 4<sup>th</sup> is Election Day and November 11<sup>th</sup> is Veteran's Day. He feels that it would be appropriate to move the meeting days those weeks.

Commissioner Lythgoe noted that they wouldn't be able to use the courtroom on Wednesdays.

Commissioner Weber agreed, and asked if Monday would be a better day. Commissioner

Lythgoe stated that he would recommend having the meetings on the 5<sup>th</sup> and 12<sup>th</sup> in the law

library. Commissioner Weber stated that the law library is available the 5<sup>th</sup> and 12<sup>th</sup>, and seconded the motion. The motion carried.

#### DESIGNATE POLLING PLACES

Commissioner Weber read a memo from Bonnie Ramey, election manager, requesting that the following be designated:

Precinct 1 & 20 – Clancy School Old Gym

Precinct 2 – Jefferson City Fire Hall

Precinct 3 & 7 – Volunteer Hall, Boulder Fairgrounds

Precinct 12 – Basin Elementary School

Precinct 15 – Elk Park Fire Hall

Precinct 26 & 27 – Montana City School Old Gym

Precinct 4, 5 & 6 – Whitehall Community Hall

Precinct 8 & 9 – Whitehall Community Hall

Commissioner Weber moved to designate the polling places as read. Commissioner Lythgoe seconded. The motion carried.

#### OPPORTUNITY FOR PUBLIC COMMENT

Colleen Teeling stated that she would like to present correspondence from the Aspen Valley Association board members. She asked about an evening meeting with the Commissioners about the 500 Kv power line. Commissioner Weber stated that they attempted to get an evening meeting scheduled, but BLM, DEQ and NorthWest Energy staff were not available before the

October 10<sup>th</sup> deadline. Colleen asked if the Commissioners would be willing to sit down with the board of directors before the deadline. Commissioner Lythgoe stated that it would be a feel-good meeting for the homeowners, but that is all. The Commission has gotten a large number of letters from Aspen Valley residents and the Commission knows exactly how they feel. His feelings are that the power lines would be a huge revenue source, but as far as a recommendation that he would make, that would not be a consideration. His consideration would be personal property rights and the least impact possible; that is the type of comment they would make. Option two, which is through Aspen Valley, is not an option from his standpoint. Colleen stated that what they would try to identify with the Commission is other alternate routes, which is what the DEQ has asked for. Commissioner Weber stated that the contractor that is reviewing the EIS and doing the analysis of the EIS stated that he is willing to take comment beyond the October 10<sup>th</sup> deadline. Commissioner Weber stated that he could meet the following week, tentatively the 15<sup>th</sup>. Colleen stated that this will be fine. Commissioner Weber asked, regarding the letters, do the letter writers understand that the letters need to go to MSTI organizers, as well as the Commission. Colleen stated that they do; they had three addresses to submit comments to.

Bob Marks stated that he has been monitoring the power corridor since the first meeting. At that time, BLM had seemingly no interest in property rights or location of the line; their concern was getting the line through. He has been to many meetings, and it is hard to comment because there were so many tentacles. At one meeting, a comment was made that if they are going to have a power line corridor, try to bunch it up and keep it together. The comment was made that for security reasons, there needs to be separation between the lines. This would be worth checking into. Also, meeting notices haven't been getting out.

Bob said that he also wants to talk about the financial dilemma in the country and in the county as well. He has talked to each of these Commissioners individually, but he also wants to discuss it at this meeting. In the current budget, it is his understanding that the Commission has used about three-quarters of the pot of money from metal mines that has been in reserve for a number of years. This is one-time money. The County also recognized a 15% increase on the mill value, they are using the maximum mills allowed and are still choosing to use most of the metal mines reserve money. They all know that there are some gloomy days coming. Golden Sunlight Mine will be down for at least a year. Employees at Tunnels have been notified that they will be unemployed at the end of the year. They need capital to do the expansion, as well as the permit. They can't count on Tunnels to produce as much wealth and tax base as they have in the past. He understands that the recent action in Congress, the bail out, had PILT language attached. Commissioner Weber stated that it was passed and backfills for this year also, probably, as well as go forward. Bob stated that it seems to him, looking from the outside, that this budget was betting on the come. His concern is what they are going to do. Bob said that he is not being antagonistic, but he would suggest that they would review the budget and take some reductions. He doesn't think that it would be good if citizens have to worry about the Commission like we have to worry about the Wall Street magnets. Wall Street saw what was coming and they didn't act. The Commissioners also see what is coming, and they need to act.

Dave Kirsch stated that he has been going to all of the fire meetings and all of the departments are concerned with the Sheep Mountain subdivision. They are saying that they can't go up there and protect that subdivision. He wonders if there is some way to fix this situation.

Commissioner Weber stated that he doesn't know if there is any way to fix what their concern is, but they are trying to set up a meeting with all of the fire departments and try to refine some of the process as far as subdivisions are concerned. Right now, no one is on the same page. This would be beneficial for everyone.

Commissioner Lythgoe moved to adjourn. Commissioner Weber seconded. The motion carried.

**MEETING ADJOURNED**

**ATTEST:**

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**BONNIE RAMEY  
CLERK AND RECORDER**

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**KEN WEBER, CHAIR**

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**TOMAS E. LYTHGOE, COMMISSIONER**

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**CHUCK NOTBOHM, COMMISSIONER**